

RECORD OF PROCEEDINGS

Minutes of

BOSTON TOWNSHIP TRUSTEES'

Meeting

Held

JUNE 20

19 90

This meeting was called to order at 7:00 P.M. by Chairman, Daniel Schneider, Jr. Present: Trustee Daniel Schneider, Jr., Joseph Broderick and Randolph Bergdorf.

MOTION by Broderick seconded by Schneider that the Minutes of the May 22, 1990 meeting of the Board of Trustees be approved as sent. Voting yes: Broderick, Schneider, Bergdorf.

Also present at the meeting was Clerk, John Krusinski. He indicated that he was progressing well from his recent illness and, hopefully, would be released from the doctor in the latter part of July. He has prepared payroll and the various vouchers for bills to be paid. He also presented to the Trustees a copy of the May 7, 1990 Minutes which he had prepared.

Further, Clerk Krusinski indicated that a budget hearing for the 1991 budget must be held before July 15, 1990 pursuant to law. The budget is completed and he suggested that the hearing be set for July 3, 1990. MOTION by Schneider seconded by Broderick that the 1991 budget hearing for the Township be held on July 3, 1990 at 7:00 P.M. at the Peninsula Library. Voting yes: Broderick, Schneider, Bergdorf. The appropriate notice will be prepared and sent to the Akron Beacon Journal for publication.

MOTION by Schneider seconded by Broderick to approve the payroll and bills as presented by Clerk Krusinski. Voting yes: Bergdorf, Schneider, Broderick.

The next issue concerned Oak Hill. Legal counsel Edward C. Pulekins advised the Trustees that the final drawings for the Oak Hill project were delivered to his office by John David Jones And Associates, Inc. on this date. A copy was available at the meeting for review by the Trustees.

Trustee Bergdorf advised that he has further reviewed the matter concerning the Issue 2 money application filed on May 1, 1990. As previously discussed with the Trustees, the Oak Hill project has been reviewed and examined by the Issue 2 committee. Chuck Heinbaugh from the City of Akron conducted the review. Mr. Heinbaugh, at the time of the review, indicated to Frank Keehl of John David Jones that one of the major factors in determining who receives the Issue 2 grants is the ability to pay. If a community has the money and has advertised for bids for the project, the chance for reimbursement for the project is virtually non-existent. This is the information Mr. Keehl previously gave to Attorney Pulekins. Mr. Bergdorf indicated that he and Ed Pulekins reaffirmed this information with Frank Keehl by telephone conference last week. Further, the Summit County Engineer's Office was contacted relative to this matter. The Issue 2 Committee member from the Summit County Engineer's office indicated to both Mr. Bergdorf and Mr. Pulekins that monies expended for the actual project other than the engineering and preliminary fees for a project were not reimbursable. Further, it was his opinion that if a project is put out for bid, and/or the community has the money delineated for completion of the project, this would be fatal to any Issue 2 application. The representative

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from the Engineer's Office further indicated that he had attended various state meetings concerning Issue 2 monies and the consensus and guidelines set forth indicate that no reimbursement for projects would be available. He will forward to Mr. Bergdorf a copy of the checklist used by the Issue 2 Committee in reviewing grants. The checklist is not in wide circulation, however, it is a public document. Mr. Bergdorf indicated during the meeting that he has received a copy of the checklist and was attempting to project the status of the Boston Township application based upon his own estimates. Mr. Bergdorf explained the timetables as it relates to Issue 2 monies. It was the consensus of the Trustees that the project should not be put out for bid until such time as the priority list for Issue 2 monies is issued. Hopefully, the priority list will be determined in the near future. At that time, the Trustees can reassess the timetable for the Oak Hill matter.

Legal counsel Pullekens advised that the pretrial hearing in the Route 8 zoning litigation is set for pretrial before Judge Williams on July 3, 1990 at 8:45 A.M. Mr. Pullekens would like at least one of the Trustees present. All are welcome to attend. Any Trustee who wishes to attend should be in Mr. Pullekens' office at 8:00 A.M. Mr. Pullekens explained that the pretrial would be the first opportunity for the Judge to review the matter and to attempt to resolve the differences between the various parties. The deposition of Jim Jones, Zoning Inspector, will be taken by the Plaintiffs in Mr. Pullekens office, 800 Society Building, Akron, OH 44308, on June 22, 1990, at 1:30 P.M. Any Trustee is welcome to attend.

Mr. Pullekens advised that he and Jim Jones will be reviewing the zoning and other problems on Route 8 in the near future. They will physically examine each of the sites. A report will be forwarded to the Trustees. This should be done no later than July 17, 1990.

Mr. Pullekens advised that the Summit County Prosecutor's Office has forwarded to him a legal opinion dated June 7, 1990 requested by Trustee Broderick. Attached is a copy of Opinion 90-082. This Opinion concerns the legality of the Township Road Department to chip brush and limbs with the Township chipper. The Prosecutor has indicated that such a function was authorized under O.R.C. §505.27 involving disposition of solid waste. Also, the matter being disposed of and reduced fits within the definition of solid waste according to the Prosecutor pursuant to O.R.C. §3734.01. This reaffirms the prior legal opinion given by Township counsel, Edward C. Pullekens, that the Trustees can reduce the brush and limbs. However, Township personnel are not to enter private property to do any of the work. Everything must be done within the road right-of-way. Trustee Bergdorf reminded the Trustees that, as was previously discussed, this program is another way for the Trustees to assist the residents in disposing of solid waste. Due to tightening requirements, more and more items such as this will no longer be permitted to be disposed through trash pick-up.

Next item of business was a report by Trustee Bergdorf concerning an Enterprise Zone meeting he attended on June

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11, 1990. In discussing the Oak Hill Road matter with Mark Hansel, he further reaffirmed that Issue 2 monies will not reimburse completed projects.

Mr. Bergdorf stated that block grants, for example, the grant received for the septic system, can be reimbursed under the applicable program.

Mr. Bergdorf gave to Mr. Pullekens a copy of a Model Enterprise Zone Agreement. Mr. Pullekens will maintain a file on the matter for the Trustees.

Regarding the township buildings, Mr. Bergdorf indicated that the various subcommittees were looking into the matter and the library board was looking into their possible need for the space. Again, the subcommittees are broadly looking into the entire situation as it relates to the township hall and wood building. They will report to the Trustees with their recommendations.

Mr. Bergdorf received correspondence that the Township was still on the eligibility list for block grants. All unincorporated areas are on the list unless they ask that their name be removed. The Township will remain on the list.

Mr. Bergdorf has been contacted by the National Park regarding the right-of-way forwarded to the Trustees for Oak Hill. MOTION by Bergdorf seconded by Broderick that the Township Trustees accept the right-of-way agreement as prepared by the U.S. Department of Interior with the clarification provided by Superintendent Debo. Voting yes: Broderick, Schneider, Bergdorf. Trustee Schneider executed the agreement on behalf of the Trustees and the document will be forwarded to the National Park Service.

Trustee Daniel Schneider reported that as previously discussed, the contract for mowing has been prepared by and between the Village of Peninsula and Boston Township. The Township will charge the Village the rate of \$35.50 per hour for the mowing. Mr. Schneider presented the Trustees with a proposed contract dated June 20, 1990 to reaffirm the mowing agreement. The Agreement has already been signed by the Village of Peninsula. MOTION by Trustee Schneider seconded by Randolph Bergdorf to accept the mowing contract with the Village of Peninsula. Voting yes: Schneider, Bergdorf, Broderick.

Trustee Schneider advised that the Fire Board had prepared a proposed 1991 budget. He gave each of the Trustees a copy of the proposed budget with comparables for 1990 and 1989. The Trustees will review the information and discuss it at a later meeting.

Trustee Schneider advised that the Village of Peninsula would like to schedule a joint meeting with the Township. It was suggested that the joint meeting be held at the Township's regular meeting on July 17, July 31, or at a special meeting. Mr. Schneider will contact the Village and make arrangements. At the joint meeting, the fire contract, police protection, and rubbish contracts will be discussed.

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Economizing costs will be reviewed by the Village. The Township is in agreement to the Village hosting the meeting.

Regarding the police budget, it is the understanding of the Township that the Village is still working on the budget. As soon as the information is obtained, it will be forwarded to the Trustees.

The next item of business was to review the bids for the road repair opened on May 22, 1990. The following bids were received:

- | | |
|---------------------------------|-------------|
| 1) Superior Asphalt And Oil Co. | \$73,924.90 |
| 2) C.O.E., Inc. | \$83,371.00 |

Trustees Broderick and Bergdorf reviewed all of the roads to be repaired. Trustee Schneider reviewed the roads on his own. The bids as presented were on a time and material basis. Trustee Schneider made the following suggestions:

- 1) Repair all of Hines Hill Road;
- 2) Repair all of Geopfert Road;
- 3) Eliminate proposal to do one-half of Major Road, Oak Hill Road and Scoobie Road;
- 4) Repair the hill on Stanford Road;
- 5) Do not repair Stine Road;
- 6) Repair Wetmore Road;
- 7) Repair Wheatley Road;

With the above clarifications, MOTION by Schneider seconded by Bergdorf to accept the road bid of Superior Asphalt and Oil Co. for \$73,924.90 on time and material basis with the deletions set forth above. Voting yes: Bergdorf, Schneider, Broderick. Clerk Krusinski will contact Superior Asphalt and Doug Anderson will review the qualifications with them.

Trustee Broderick stated that it was necessary for him to leave. He was duly excused.

Trustee Schneider reviewed the information received from Empaco Equipment Corporation concerning their previously accepted bid to remove the underground tanks. Proper documentation to complete the project is being prepared. As previously discussed, modification was made in regard to the decision of the Trustees not to proceed with the reinstallation of underground tanks, but to use above ground tanks. This will save money for the Township and cause less problems in the future regarding EPA requirements.

Trustee Schneider indicated that Doug Anderson had presented to him proposed potential drawings for a maintenance building to house the vehicles of the road department. It is projected that a complete set of architectural plans

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would cost \$2,000.00. Projected cost of the building is approximately \$15.00 per square foot. Doug Anderson has contacted architect Thomas Bode, 2542 East Aurora Rd., Twinsburg, Oh. Mr. Bode provided the cost projections. It was decided by the Trustees that before the matter is submitted for vote, the Trustees will meet with Doug Anderson to discuss the needs of the road department and his suggestions concerning the maintenance building.

Doug Anderson advised Trustee Schneider that the mowing tractor is at Akron Tractor. The fuel injector was defective and was replaced for \$1,000.00. The repair is awaiting the Trustee's approval. MOTION by Schneider seconded by Bergdorf to approve the repair of the mowing tractor at a cost estimated at \$1,000.00 from Akron Tractor. Voting yes: Schneider, Bergdorf.

Trustee Bergdorf advised that the Trustees received a thank you note from the Summit Free Wheeler Racing Team for the bike race in the Township. However, Mr. Bergdorf received numerous complaints, as did the other trustees, concerning the race. The Trustees agreed that before any future races are authorized, the Trustees must seriously study the matter.

The Trustees reviewed a letter from Richfield Township concerning Wheatley Road. Richfield Township has requested that the County take over the maintenance of Wheatley Road. Richfield Trustees have inquired whether Boston Township Trustees are willing to pursue the abandonment of Wheatley Road. It was agreed that Clerk Krusinski will contact Richfield Township and advise the that the Trustees are willing to review the matter further with them.

Trustee Bergdorf advised that on July 15, 1990, The Summit County Historical Society and the Peninsula Historical Society will be co-sponsoring a driving tour of the area. They will explore significant sites in northern Summit County. One of the sites to be reviewed will be the Township Hall buildings. The Trustees were concerned regarding insurance on the buildings. Seibert Keck Insurance Agency will be contacted to arrange a meeting regarding the insurance for the Township. During the tours, the buildings will be roped off and the Township Hall Committee will monitor all activity on the site. Signs will be posted concerning assumption of risk. Firemen will be posted in the buildings.

MOTION by Schneider seconded by Bergdorf to adjourn. All voting yes. Meeting duly adjourned.

CLERK

CHAIRMAN